

ASSEMBLY BILL

No. 2387

Introduced by Assembly Member Gray

February 21, 2014

An act to amend Sections 19131 and 19132 of the Government Code, and to amend Section 13503 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, as introduced, Gray. Commission on Peace Officer Standards and Training: contracting: authority.

(1) Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and sets forth its powers and duties, which include, among other things, the power to contract with other agencies or persons for services, facilities, studies, and reports as will best assist the commission in carrying out its duties and responsibilities.

This bill would provide that, in exercising that contracting authority, the commission may determine if services to be contracted for cannot be satisfactorily provided by the state civil service system because the services are highly specialized, the services cannot be performed by a civil service employee, or the services required are urgent or essential and delaying the performance of these services would frustrate the need for the services or resulting studies or reports.

(2) Existing law, the State Civil Service Act, permits the use of personal services contracts in order to achieve cost savings. Existing law requires, however, that a state agency proposing to execute a personal services contract to achieve cost savings is required to notify the State Personnel Board of its intention and requires the State

Personnel Board to immediately contact specified organizations, including employee organizations that represent state employees who perform the type of work to be contracted, upon receiving the notice. Existing law authorizes an employee organization to request, within 10 days of notification, the State Personnel Board to review any contract proposed or executed pursuant to the law governing these contracts.

Existing law also permits the use of personal services contracts in certain other circumstances, including when the services contracted are not available within civil service. Existing law requires a state agency proposing to execute a personal services contract pursuant to these provisions to notify all organizations that represent state employees who perform the type of work to be contracted, except in certain circumstances.

This bill would exempt personal services contracts entered into by the commission pursuant to its contracting authority, as described above, from these notification requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19131 of the Government Code is
2 amended to read:
3 19131. (a) Any state agency proposing to execute a contract
4 pursuant to subdivision (a) of Section 19130 shall notify the State
5 Personnel Board of its intention. All organizations that represent
6 state employees who perform the type of work to be contracted,
7 and any person or organization which has filed with the board a
8 request for notice, shall be contacted immediately by the State
9 Personnel Board upon receipt of this notice so that they may be
10 given a reasonable opportunity to comment on the proposed
11 contract. Departments or agencies submitting proposed contracts
12 shall retain and provide all data and other information relevant to
13 the contracts and necessary for a specific application of the
14 standards set forth in subdivision (a) of Section 19130. Any
15 employee organization may request, within 10 days of notification,
16 the State Personnel Board to review any contract proposed or
17 executed pursuant to subdivision (a) of Section 19130. The review
18 shall be conducted in accordance with subdivision (b) of Section
19 10337 of the Public Contract Code. Upon such a request, the State

1 Personnel Board shall review the contract for compliance with the
2 standards specified in subdivision (a) of Section 19130.

3 *(b) This section does not apply to contracts executed by the*
4 *Commission on Peace Officer Standards and Training pursuant*
5 *to subdivision (c) of Section 13503 of the Penal Code and this*
6 *article.*

7 SEC. 2. Section 19132 of the Government Code is amended
8 to read:

9 19132. (a) The State Personnel Board, at the request of an
10 employee organization that represents state employees, shall review
11 the adequacy of any proposed or executed contract that is of a type
12 enumerated in subdivision (b) of Section 19130. The review shall
13 be conducted in accordance with subdivision (c) of Section 10337
14 of the Public Contract Code. However, a contract that was reviewed
15 at the request of an employee organization when it was proposed
16 need not be reviewed again after its execution.

17 (b) (1) Unless a personal services contract pursuant to
18 subdivision (b) of Section 19130 is necessary due to a sudden and
19 unexpected occurrence that poses a clear and imminent danger,
20 requiring immediate action to prevent or mitigate the loss or
21 impairment of life, health, property, or essential public services,
22 the contract shall not be executed until the state agency proposing
23 to execute the contract has notified all organizations that represent
24 state employees who perform the type of work to be contracted.

25 (2) At a minimum, the notice shall include a full copy of the
26 proposed contract. The notifying agency may redact specific
27 confidential or proprietary information from the notice.

28 (3) The Department of General Services shall establish a process
29 to certify the notification in paragraph (1).

30 (4) The notification and certification of notice requirements of
31 this subdivision do not change the requirements for contracts under
32 Section 11045 or require an additional notification.

33 *(5) This subdivision does not apply to contracts executed by the*
34 *Commission on Peace Officer Standards and Training pursuant*
35 *to subdivision (c) of Section 13503 of the Penal Code and this*
36 *article.*

37 SEC. 3. Section 13503 of the Penal Code is amended to read:

38 13503. In carrying out its duties and responsibilities, the
39 commission shall have all of the following powers:

40 (a) To meet at those times and places as it may deem proper.

1 (b) To employ an executive secretary and, pursuant to civil
2 service, those clerical and technical assistants as may be necessary.

3 (c) To contract with other agencies, public or private, or persons
4 as it deems necessary, for the rendition and affording of those
5 services, facilities, studies, and reports to the commission as will
6 best assist it to carry out its duties and responsibilities. *In*
7 *contracting pursuant to this subdivision, the commission may*
8 *determine if services to be contracted for cannot be satisfactorily*
9 *provided by the state civil service system because the services are*
10 *highly specialized, the services cannot be performed by a civil*
11 *service employee, or the services required are urgent or essential*
12 *and delaying the performance of these services would frustrate*
13 *the need for the services or resulting studies or reports, as*
14 *described in Section 19130 of the Government Code.*

15 (d) To cooperate with and to secure the cooperation of county,
16 city, city and county, and other local law enforcement agencies in
17 investigating any matter within the scope of its duties and
18 responsibilities, and in performing its other functions.

19 (e) To develop and implement programs to increase the
20 effectiveness of law enforcement and when those programs involve
21 training and education courses to cooperate with and secure the
22 cooperation of state-level officers, agencies, and bodies having
23 jurisdiction over systems of public higher education in continuing
24 the development of college-level training and education programs.

25 (f) To cooperate with and secure the cooperation of every
26 department, agency, or instrumentality in the state government.

27 (g) To do any and all things necessary or convenient to enable
28 it fully and adequately to perform its duties and to exercise the
29 power granted to it.

30 (h) The commission shall not have the authority to adopt or
31 carry out a regulation that authorizes the withdrawal or revocation
32 of a certificate previously issued to a peace officer pursuant to this
33 chapter.

34 (i) Except as specifically provided by law, the commission shall
35 not have the authority to cancel a certificate previously issued to
36 a peace officer pursuant to this chapter.